

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.173(11), the Environmental Protection Commission (Commission) hereby amends Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

The amendment reissues the existing National Pollutant Discharge Elimination System (NPDES) General Permit known as General Permit No. 5 (GP5), which authorizes wastewater discharges from mines and quarries to waters of the United States throughout Iowa. GP5 became effective on July 20, 2011, and expires on July 19, 2016. The amendment contains minor revisions to the permit including updating and correcting references to the Iowa Administrative Code, clarifying terms and adding definitions, updating procedures for submitting a Notice of Intent (NOI) for coverage, and easing sulfate sampling requirements.

The Department of Natural Resources (Department) must either reissue GP5 or issue individual NPDES permits for each mine or quarry discharge. Compared to general permits, individual NPDES permits have more complicated application requirements, have higher fees, and take longer to issue. Permittees will benefit from the Department’s reissuance of GP5 compared to having to apply for an individual NPDES permit.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 16, 2016, as **ARC 2442C**. A public hearing was held on April 7, 2016. There were three attendees, but no comments for the record. One written comment was received; it was supportive of the rule making.

No modifications have been made to the amendment as published in the Notice of Intended Action. However, GP5, cited in subrule 64.15(5), has changed. Two typographical errors were corrected, and three references were corrected.

After analysis and review of this rule making, it has been determined that there will be no impact on private sector jobs and employment opportunities in Iowa. There are no proposed changes to GP5 that will cause an impact on jobs. The complete jobs impact statement is available from the Department upon request.

This amendment is intended to implement Iowa Code section 455B.173(11).

This amendment shall become effective July 20, 2016.

The following amendment is adopted.

Amend subrule 64.15(5) as follows:

64.15(5) “Discharge from Mining and Processing Facilities,” NPDES General Permit No. 5, effective ~~July 20, 2011~~ July 20, 2016, to July 19, 2021.

[Filed 5/18/16, effective 7/20/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/8/16.